1   WO

6   **IN THE UNITED STATES DISTRICT COURT**

7   **FOR THE DISTRICT OF ARIZONA**

9   Carlton Errol Godwin,

          Petitioner,

11   v.

12   Charles L Ryan, et al.,

          Respondents.

No. CV-13-08078-PCT-JAT

ORDER

Pending before the Court is Petitioner's Petition for Writ of Habeas Corpus, as amended ("Petition"). The Magistrate Judge issued a Report and Recommendation ("R&R") (Doc. 41) recommending that the Petition be denied because it is barred by the statute of limitations.

Respondents did not file objections to the R&R. This Court granted Petitioner an extension of time to file objections (Doc. 44), but Petitioner did not file objections. Because neither party has filed objections to the R&R, the Court hereby accepts the R&R. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to conduct "any review at all . . . *of any issue* that is not the subject of an objection" (emphasis added)); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*) ("statute makes it clear that the district judge must review the magistrate judge's findings and recommendations de novo *if objection is made*, but not otherwise" (emphasis in original)); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D. Ariz. 2003).

1   Based on the foregoing,

2   **IT IS ORDERED** that the Magistrate Judge's Report and Recommendation (Doc.

3   41) is **ACCEPTED**; accordingly,

4   • Petitioner's Petition for Writ of Habeas Corpus, as amended, is

5   denied and dismissed with prejudice,

6   • in the event Petitioner files an appeal, issuance of a certificate of

7   appealability is denied because denial of the petition is based on a plain procedural bar

8   and jurists of reason would not find this Court's procedural ruling debatable. *See Slack v.*

9   *McDaniel*, 529 U.S. 473, 484 (2000), and

10   • the Clerk of the Court shall enter judgment of dismissal with

11   prejudice.

12   Dated this 15th day of July, 2015.

13

14

15

16   James A. Teilborg
      Senior United States District Judge

17

18

19

20

21

22

23

24

25

26

27

28